

Robert D. Lillienstein, Esq. (rlillienstein@mosessinger.com)  
Jordan Greenberger, Esq. (jgreenberger@mosessinger.com)  
MOSES & SINGER LLP  
*Attorneys for Defendants*  
The Chrysler Building  
405 Lexington Avenue  
New York, New York 10174  
(212) 554-7800 (telephone)  
(212) 554-7700 (facsimile)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ARTHUR ANGERMEIR, et al.,

Plaintiffs,

– against –

JAY COHEN, et al.,

Defendants.

PATRICIA J. RITCHIE

Plaintiff,

– against –

NORTHERN LEASING SYSTEMS, INC., et al.,

Defendants.

12 Civ. 0055 (KBF)

12 Civ. 4992 (KBF)

### **NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the Court's Order, dated March 31, 2015 (ECF No. 98 in 12-0055; ECF No. 89 in 12-4992), and the Declaration of Jordan Greenberger, dated April 9, 2015 (with exhibits and appendix), the undersigned counsel for Defendants moves this Court, before the Honorable Katherine. B. Forrest, U.S.D.C. J., in Courtroom 15A at the United States Courthouse located at 500 Pearl St., New York, NY 10007, for and Order:

(1) Pursuant to Fed. R. Civ. P. 37(b)(2)(A), sanctioning Plaintiffs, as the Court deems just and proper, for Plaintiffs' failure to comply with paragraph 3 of the Court's March 31, 2015

Order, which ordered Plaintiffs to produce certain documents within seven (7) days (i.e. by April 7, 2015); and in the event that the Court sanctions Plaintiffs by dismissing Plaintiffs' claims and/or their defenses to counterclaims, or by entering default judgment in favor of the counterclaim-defendants (e.g., Fed. R. Civ. P. 37(b)(2)(A)(iii), (v) or (vi)), then awarding the counterclaim-defendants money judgments as demanded in the counterclaims, plus interest, and scheduling an inquest to calculate the attorneys' fees and expenses to which the counterclaim-defendants are contractually entitled;

(2) Pursuant to Fed. R. Civ. P. 37(b)(2)(C), ordering Plaintiffs, their counsel, or both to pay Defendants' reasonable expenses, including attorney's fees, caused by the failure to comply with the Court's March 31, 2015 Order and in making this motion; and

(3) Granting such other and further relief to the Defendants as the Court deems just and proper.

Dated: April 9, 2015  
New York, New York

/s/ Jordan Greenberger  
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